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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,556	02/02/2001	Elizabeth B. Diaz	10005399-1	8054

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EXAMINER	
HANSEN, JAMES ORVILLE	
ART UNIT	PAPER NUMBER
3637	

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/773,556

Applicant(s)
DIAZ et al.

Examiner
James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 3, 2003
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Jan 3, 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on January 3, 2003 has been approved by the examiner. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no antecedent basis in the specification for the recitation of a “depressed recess” in the computer case as now stipulated in new claim 18.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-9, 11-15 & 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane Jr., et al., [U.S. Patent No. 5,941,617] in view of Bockenstette [U.S. Patent No.

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3,779,374]. Crane (figures 1-22) teaches of a computer case (10) comprising: opposite side panels (side panels deemed elements in the “enclosure” see col. 3, lines 61-67) having an inherent plurality of holes [as disclosed below] as readily apparent to the examiner and known in the art; a pair of cover panels (B & D) for attachment to the opposite side panels; and a plurality of feet (12's - see col. 4, lines 4-9 where the fasteners [feet] may be bolts, screws or rivets). The feet being inserted through the holes (500) in the cover panels and the adjoining holes in the computer enclosure for retaining each of the cover panels on the computer case. The decorative cover panels (see the figs.) being made of a colored plastic material (col. 4, lines 61-67). The holes of the opposite side panels may be covered with hole plugs (different 12's). The cover panels having an interior surface corresponding in shape to an exterior surface of the side panels as readily apparent to the examiner. The cover panels having a vent section (through bores 510, 512 & 810, 812 for example) corresponding in location to a vent in one of the side panels as readily apparent to the examiner (see col. 5, lines 57-60 for example). The cover panels being positioned within a depressed recess {recess- viewed as the interior volume of the enclosure} as best understood by the examiner.

Crane teaches applicant's inventive claimed concept as disclosed above, but does not state that the feet are “elastomeric”. However, Bockenstette (figures 1-5) teaches of elastomeric feet (22) used to secure two elements together. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the feet [fasteners] of Crane so as to employ the elastomeric feet [fasteners] of Bockenstette because feet manufactured out of an

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elastomeric material would provide the feet of Crane with the ability to “flex both with a torsional movement and with an inward bending movement in response to the movement thereof axially through aperture means in the elements being secured together” [col. 1, lines 25-28], and be able to fasten lapped panels together without the use of any tools [pushed-in]. The cited prior art teach applicant’s basic inventive claimed concept as structurally disclosed above, but do not specifically state a “method” of installing a color panel on a computer case [claims 8-9].

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to install a panel on a computer case as prescribed by applicant’s method because the normal assembly of Crane’s structure would inherently encompass the steps as set forth.

5. Claims 1-4, 7-9, 11-14 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., [U.S. Patent No. 5,947,570] in view of Bockenstette. Anderson (figures 1-17) teaches of a computer case (12) comprising: opposite side panels (see left and right side panels on the case - fig. 11) having a plurality of holes (see fig. 11); a pair of cover panels (86) for attachment to the opposite side panels; and a plurality of feet (see fasteners depicted in fig. 11) inserted through the cover panels and into the holes in the computer enclosure for retaining each of the cover panels on the computer case. The holes of the opposite side panels may be covered with hole plugs (fasteners as noted above). The cover panels having an interior surface corresponding in shape to an exterior surface of the side panels as readily apparent to the examiner. Anderson teaches applicant’s inventive claimed concept as disclosed above, but does

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not state that the feet are “elastomeric”. However, Bockenstette (figures 1-5) teaches of elastomeric feet (22) used to secure two elements together. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the feet [fasteners] of Anderson so as to employ the elastomeric feet [fasteners] of Bockenstette because feet manufactured out of an elastomeric material would provide the feet of Crane with the ability to “flex both with a torsional movement and with an inward bending movement in response to the movement thereof axially through aperture means in the elements being secured together” [col. 1, lines 25-28], and be able to fasten lapped panels together without the use of any tools [pushed-in]. As to claims 2 & 12, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the cover panels out of plastic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. As to claim 7, since the color of the side panels is not functionally related in a new or unobvious way to the substrate upon which it is located, the color/paint of the panels will not distinguish the invention from the prior art in terms of patentability. Accordingly, it is not believed that the claimed ‘decoration’ in fact establishes any new or unobvious functional relationship to the substrate upon which is located. Instead, it appears that the decoration is merely carried by the substrate and provides ornamentation thereto (lacking a new or unobvious functional relationship), as such, the claimed limitation is not germane to patentability and therefore does not represent a difference or distinction over the prior art. As to claims 8-9, the prior art teach applicant’s basic inventive

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claimed concept as structurally disclosed above, but do not specifically state a “method” of installing a panel on a case. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to install a panel on a case as prescribed by applicant’s method because the normal assembly of the prior art’s structure would inherently encompass the steps as set forth

6. Claims 6, 10 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane Jr., et al., in view of Bockenstette and in view of Johnson [U.S. Patent No. 3,803,670]. The prior art teaches applicant’s inventive claimed concept as disclosed above, but does not show the specific structural characteristics of the “feet” as claimed. However, Johnson (figures 1-5) teaches of a removable fastener (10) having a cover portion, a pair of legs extending from the cover portion and a shoulder portion at distal ends of the legs (see figs. 1-5). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the “feet” [fastener] of the prior art so as to utilize the fastening device as taught by Johnson because this fastening arrangement would provide the prior art with a means to fasten lapped panels together without the use of any tools and would be reusable.

7. Claims 6, 10 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., in view of Bockenstette and in view of Johnson. The prior art teaches applicant’s inventive claimed concept as disclosed above, but does not show the specific structural characteristics of the “feet” as claimed. However, Johnson (figures 1-5) teaches of a removable fastener (10) having a cover portion, a pair of legs extending from the cover portion and a

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shoulder portion at distal ends of the legs (see figs. 1-5). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the "feet" [fastener] of the prior art so as to utilize the fastening device as taught by Johnson because this fastening arrangement would provide the prior art with a means to fasten lapped panels together without the use of any tools and would be reusable.

Response to Arguments

8. Applicant's arguments filed January 3, 2003 have been fully considered but they are not persuasive. It is viewed that the above rejections adequately address applicant's remarks now of record.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

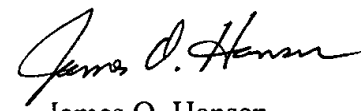
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-1113. **Fax numbers** for Official Papers are as follows:
Before Final (703) 872-9326 & After Final (703) 872-9327.

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen
Primary Examiner
Technology Center 3600

JOH
March 14, 2003